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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,400	02/15/2001	Joie L. Folkers		5498

7590 01/26/2005

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EXAMINER

WALK, SAMUEL J

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/784,400	FOLKERS, JOIE L.	
	Examiner	Art Unit	
	Samuel J Walk	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, 5, 7, 8, 9, 11, 12, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the phrase "of the type" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "of the type"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 also recites the limitation "said and assessing a fee" in lines 3-4. It is apparent that the limitation is missing the identifier.

Claim 4 recites the limitation "the electronic system operator" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

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Claim 5 recites the limitation "the status" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the system operator" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "each of multiple devices" in line 1. There is insufficient antecedent basis for this limitation in the claim.

In Claim 9, the phrase "or many other activities" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or many other activities"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 11 recites the limitations "the status" in line 1 and "the electronic transmitting device" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 12 recites the limitation "the duration" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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Claim 15 recites the limitation "the system operator" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the program" in line 1 and "the system operator" in lns 1-2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Budnovitch (US 6292110).

In reference to Claim 1, Budnovitch discloses an interactive parking facility wherein occupancy sensor met by vehicle sensor (18), see Col. 4 lns 21-23; claimed control means met by system processor (416), see Col. 7 lns 21-23; claimed

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authorization met by use authorization (408), see Col. 7 lns 4-7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admasu (US 2002/0032601) in view of Scott (US 6121880).

In reference to Claim 1, Admasu discloses an electronic payment parking lot system and method wherein the motorist interface (14) communicates with the remote parking authorization (RPA) interface (12) and meter interface (18) to ascertain an account balance and receive authorization for parking, see para [0023]. Admasu further discloses communication includes all forms of information transferal available via the electromagnetic energy spectrum, for example, infrared, microwave, and long or short radio wave methods, see

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para [0024] and Fig. 3. It would be advantageous to have the RPA interface (12) detect and identify the vehicle to increase ease of use and be user-friendlier. Admasu does not disclose that the RPA interface (12) detects and identifies the vehicle. However, Scott teaches of a sticker transponder for use on a glass surface that upon interrogation from a remote RF signal, encoded information stored within the memory (52), such as parking fees, toll collection, parking access authorization, etc., is extracted and read, see Col. 3 lns 50-55 and Col. 6 lns 19-35. Therefore, one having ordinary skill in the art at the time the invention was made would have readily recognized that upon integration of Scott's sticker transponder (10) into the electronic payment parking lot system of Admasu, the RPA interface (12) would interrogate the sticker transponder (10) for proper detection, identification and authorization because it would increase user-friendliness.

In reference to Claim 2, see above rejection in reference to Claim 1, specifically sticker transponder (10).

In reference to Claim 3, Admasu further discloses repository (36) associated with the RPA interface (10) contains a framework to house data that identifies a plurality of parking spaces (38), see para [0029].

In reference to Claim 5, Admasu further discloses that RPA interface includes computer programs and data storage used for motorist account information, see para [0025-0027].

In reference to Claim 6, see above rejection in reference to Claim 1.

In reference to Claim 7, see above rejection in reference to Claim 1. In addition, Admasu further discloses that the RPA interface typically resides on a web server or other computing device located in the municipal building that manages parking services, see Col. [0015].

In reference to Claim 8, Scott further teaches that memory (52) includes a writable portion (58) and may also include a read-only portion that includes data that may not be altered, such as the vehicle identification number, see Col. 5 lns 33-38. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a unique signature in the device for proper identification purposes.

In reference to Claim 9, see above rejection in reference to Claim 1, specifically the application of toll collection.

In reference to Claim 10, see above rejection in reference to Claim 1, specifically motorist account information.

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In reference to Claim 12, Admasu further discloses the RPA interface manages confirmation of payment, amount of payment, time units purchased and time of expiration, see para. [0035].

In reference to Claim 14, Admasu further discloses programs accomplish various functional objectives, including authorization of parking services; transfer of monetary credits or value to and from user accounts; monitoring and notification of expired services to devices of enforcement personnel; and a full suite of accounting services to reconcile individual accounts, total and subtotal credits for selected time periods, geographical regions, individual parking spaces, and the like, see para. [0015].

In reference to Claim 15, it is obvious that a fee structure would be instituted by a person before installation of the programming in order to properly charge users the correct fee.

In reference to Claim 16, Examiner takes Official Notice that both the concepts and advantages of program adjustment, upgrading and modification is both known and expected in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have readily recognized to include means to change the programming of the system to enable

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it more efficient and more appropriate according to the needs of the system itself.

Allowable Subject Matter

7. Claim 4, 11 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haynes et al. (US 6816085) discloses a method of managing a parking lot. Kiellan (US RE38626) discloses a parking regulation enforcement system. Katz (US 6344806) discloses a parking status control system and method. Zeitman (US 5940481) discloses a parking management system.

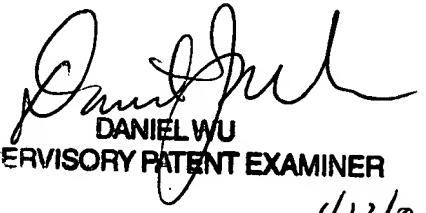
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
4/23/05